

In the United States District Court
For the Northern District of Illinois
Eastern Division

DIGISOUND-WIE, INC.,

Plaintiff,

v.

BESTAR TECHNOLOGIES, INC., DIRK DE YOUNG,
HELENE DE YOUNG, FLORIAN GREILING, and
LILLI GREILING,

Defendants.

07 CV 6535

Judge Lindberg

Magistrate Judge Mason

Plaintiff's Motion to Initiate and Expedite Discovery

Plaintiff Digisound-WIE, Inc. moves pursuant to FED.R.CIV.P. 26(d) to allow it to immediately initiate expedited discovery on its claims against defendants BeStar Technologies, Inc., Dirk de Young, Helene de Young, Florian Greiling, and Lilli Greiling:

1. The Complaint alleges, among other things, that defendants are violating the Uniform Trade Secrets Act (Count III), have misappropriated Digisound-WIE's computer data in violation of the Computer Fraud and Abuse Act (Count IV), and are "palming off" Digisound-branded goods in violation of the Lanham Act and 18 U.S.C. § 1030(a)(2)(C) (Count V). The Complaint also alleges that Dirk de Young's activities violate the non-competition provisions of his Employment Agreement (Count I).

2. The Complaint seeks injunctive relief to prevent further irreparable injury caused by the defendants' continuing activity.

3. Defendants BeStar Technologies, Inc., Dirk de Young, and Helene de Young were served with summons and the Complaint on November 23, 2007 and are required to file their appearances and answer the Complaint by December 13, 2007. The Greiling defendants

reside in Germany, and plaintiff is in the process of serving them with summons and the Complaint.

4. Good cause exists for the allowing plaintiff to immediately initiate expedited discovery of the defendant's activities for the purpose of seeking injunctive relief. *Sheridan v. Oak St. Mortg., LLC*, 244 F.R.D. 520, 521 (E.D. Wis. 2007). Specifically, to determine whether and what injunctive relief is warranted, plaintiff needs to gather and present evidence of the extent to which defendants (a) continue to act in violation of defendant Dirk de Young's contractual restriction on competition, (b) are using plaintiff's trade secrets in soliciting and selling to plaintiff's customers and potential customers, and (c) are offering and selling Digisound branded goods.

THEREFORE, plaintiff requests entry of an order granting it leave to (a) to immediately initiate discovery against defendants BeStar Technologies, Inc., Dirk de Young, and Helene de Young, (b) require those defendants to (i) respond to plaintiff's First Request to Produce within 10 days of service and (ii) submit to depositions within 10 days thereafter, and (c) serve subpoenas for documents and depositions on non-parties with knowledge of as the defendants' conduct.

DIGISOUND-WIE, INC.

By: s/ Arthur Sternberg
One of Its Attorneys

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